

April 22, 2003

Syn. No. 28
11/26/02

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONDITIONAL USE PERMIT NUMBER 02-029-(5)
FIFTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced permit which proposes 154 condominium units on six lots in the Sand Canyon Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By
RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN
County Counsel

RDW/
Enclosure
165749-1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 02-029-(5)**

1. Conditional Use Permit No. 02-029-(5) is proposed to: 1) ensure consistency with the General Plan, Specific Plan No. 1 (Canyon Park), and implementing ordinances; 2) promote high contemporary standards of site design; 3) adapt to specific or special development conditions; 4) document land use entitlements and pertinent conditions; and 5) adapt to substantial changes that may occur with respect to the circumstances under which the project is undertaken.
2. The Board of Supervisors ("Board") concurrently considered Specific Plan Amendment No. 02-029-(5) and Vesting Tentative Tract Map No. 53795. The findings of the Board with respect to Vesting Tentative Tract Map No. 53795 are incorporated herein by this reference as if set forth in full.
3. The development proposal is a request to create 154 condominium units on six lots.
4. The subject property is an irregularly shaped 9.9-acre parcel with level to gently sloping terrain.
5. The subject property is located east of the Antelope Valley Freeway at the intersection of Via Princessa and Lost Canyon Road in the Sand Canyon Zoned District.
6. Access to the site is via Lost Canyon Road, located off of Via Princessa.
7. The subject property is currently vacant.
8. Surrounding land use designations are Neighborhood Commercial to the west, R-3 (25) U (Apartment/condominium, maximum density of 25 units per acre) to the southwest, School/Parks to the southeast, and R-3 (25) U to the east. The area surrounding the subject property to the east and west is vacant; there are single-family residences to the southwest and an elementary school to the southeast.
9. The subject property is zoned Specific Plan and is designated Specific Plan No. 1 (Canyon Park) on both the Countywide General Plan and the Santa Clarita Valley Areawide Plan.

10. The subject property is currently within the Office Commercial category of Specific Plan No. 1 (Canyon Park). This category was established with the adoption of Specific Plan No. 1 in 1986.
11. As demonstrated in the Canyon Park Specific Plan Conformance Report dated July 2002, upon adoption of Specific Plan Amendment Case No. 02-029-(5), the proposed project will be consistent with the goals, objectives, and policies of the Specific Plan with relation to: 1) Land Use, 2) Public Facilities, 3) Circulation, 4) Grading, 5) Hillside Management, 6) Recreation and Open Space, 7) Housing, 8) Community Design and Scenic Highways, and 9) Noise.
12. Upon adoption of the related Specific Plan amendment, the proposed project will comply with the requirements of the R-3 (25) U category and the residential, landscaping, and sign design standards in Specific Plan No. 1.
13. In order to promote consistent and high contemporary standards of design throughout the development and to adapt to special development conditions, the freeway edge wall requirement has been modified to require a landscaped sound wall in compliance with the County of Los Angeles Department of Health Services requirements for noise attenuation.
14. The proposed project and the provisions for its design and improvements will be consistent with the goals and policies of the General Plan, since it is in substantial compliance with the conditions for development established by Specific Plan No. 1.
15. The proposed project will not be detrimental to public health and safety, design and/or environmental considerations. The project's location, size, design, and operating characteristics of proposed uses have given consideration to harmony in scale, bulk, coverage, and density; the availability of public utilities, services and facilities; the generation of traffic and the capacity and physical character of surrounding and proposed streets; and the suitability of the site for the type and intensity of use or development which is proposed.
16. The project site is physically suitable for the type of development and the density being proposed because the property has adequate building sites to be developed in accordance with the Grading Ordinance, has access to a County-maintained street, shall be served by sanitary sewers, shall be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs, and shall have flood hazards and

geologic hazards mitigated in accordance with the requirements of the Department of Public Works.

17. The subject property lies within an urban expansion area and is in compliance with the County's Development Monitoring System in that:
 - a. The proposed development is consistent with the infrastructure portion (Urban Services Analysis) of the Development Monitoring System since there is adequate water service, and the project's sewage discharge capacity will not exceed the Sanitation District's future planned capacity. Appropriate fees will be paid for capital library costs to insure sufficient increased capacity to serve the project's demands;
 - b. The project is consistent with the access portion of the Development Monitoring System because there is adequate road service and commercial and employment facilities are located in close proximity. The road service was evaluated as part of the environmental analysis and the resultant environmental document. The proximity to commercial and employment facilities was evaluated as part of the Specific Plan evaluation and as part of the environmental analysis and the resultant environmental document; and
 - c. The project is consistent with the environmental portion of the Development Monitoring System because there is no significant geotechnical, flood hazard, fire, or natural resource impacts, and the project does not affect publicly held or privately dedicated open space, as shown in the County General Plan. These resources/hazards were evaluated as part of the Addendum to the Final Supplemental Environmental Impact Report ("FSEIR").
18. The proposed project, in summary:
 - a. Avoids premature conversion of undeveloped land to urban use because it is proximate to and a natural extension of existing development;
 - b. Promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;

- c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas, and fire hazard areas;
 - d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
 - e. Ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates;
 - f. Focuses intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
 - g. Provides for higher densities of housing to meet increasing demand in areas which will have relatively lesser environmental consequences.
19. The access to this project is adequate for the needs of the future residents and for the deployment of fire fighting and other emergency equipment in emergency situations.
 20. A traffic study analyzing the potential traffic impacts of the project was prepared by the permittee and reviewed and approved by the Department of Public Works. Mitigation measures to reduce to insignificance or offset adverse impacts are incorporated into the conditions of approval for this project.
 21. Approval of this conditional use permit is conditioned on the permittee's compliance with the attached conditions of approval as well as the conditions of approval for related Vesting Tentative Tract Map No. 53795. Additionally, the mitigation measures contained in the Addendum to the FSEIR are incorporated into the conditions of approval for this permit.
 22. The Addendum to the FSEIR has been prepared for this project in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines and complies therewith. The report contains a conceptual description of the project, documents the project's potential impacts, and identifies mitigation measures which will be implemented as a part of the project.

The Board has independently reviewed the information contained therein, and such information reflects the independent judgment of the Board as to the potential environmental impacts of the project.

23. The Addendum to the FSEIR concludes that, with implementation of the proposed mitigation measures, all potential environmental impacts will be less than significant.
24. A Mitigation Monitoring Program, consistent with the conclusions and recommendations of the Addendum to the FSEIR, has been prepared and its requirements have been incorporated into the conditions of approval for this project.
25. The mitigation measures of the Addendum to the FSEIR are incorporated into the conditions of approval for this conditional use permit and related Vesting Tentative Tract Map No. 53795. The Mitigation Monitoring Plan contained in the Addendum to the FSEIR identifies in detail the manner in which the measure adopted to mitigate or avoid potential adverse impacts to the environment is ensured.
26. The custodian of the documents constituting the record of proceedings upon which the Board's decision is based in this matter is Annie Lin at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare;

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required.
- E. That the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Indicates that it has previously approved the Addendum to the FSEIR prepared for the project and certified that it has reviewed and considered the information contained in the document and determined that the potential environmental impacts of the proposed project will have a less-than-significant impact on the environment;
- 2. Indicates that it previously approved and adopted the Mitigation Monitoring Program for the proposed project, incorporated in the Addendum to the FSEIR, and, pursuant to section 21081.6 of the Public Resources Code, found that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation; and
- 3. Approves Conditional Use Permit Case No. 02-029-(5), subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 02-029-(5)

1. This grant authorizes the development of the 9.9-acre project site with 154 condominiums on six lots in conformance with Specific Plan No. 1 (Canyon Park) and as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. This grant shall not be effective for any purpose until the permittee and the owner of the subject property, if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant and that the conditions have been recorded as required by Condition No. 9 and until all required monies have been paid pursuant to Condition Nos. 7, 10, and 12.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
4. If any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
5. It is further declared and made a condition of this grant that if any condition hereof is violated, the permit shall be suspended, and the privileges granted hereunder shall lapse; provided, that the applicant has been given written notice to cease such violation and has failed to do so within 30 days of receiving notice.
6. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit

with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten biennial (every other year) inspections. The inspections shall be unannounced.

8. If additional inspections are required to ensure compliance with the conditions of this grant, or if any future inspection discloses that the subject property is being used in violation of any of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged shall be \$150 per inspection or the current recovery cost, whichever is greater.
9. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the Office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.
10. The permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount is \$875.
11. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.

12. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount of deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

13. This grant will expire unless used within two years after the earlier date of:
 - (1) the recordation of a final map for Vesting Tentative Tract Map No. 53795, or
 - (2) the expiration of Vesting Tentative Tract Map No. 53795.
14. The subject property shall be developed and maintained in substantial compliance with the exhibit map on file (marked Exhibit "A") dated July 29, 2002. An amended or revised tentative tract map approved for Vesting Tentative Tract Map No. 53795 may, at the discretion of the Director of Planning, constitute a revised Exhibit "A." Revised plans require the written authorization of the property owner.
15. The subject property shall be developed and maintained in substantial compliance with the Specific Plan Conformance Report dated July 2002, on file at the Department.

16. Development shall comply with the requirements of Specific Plan No. 1 (Canyon Park), except as specifically set forth in this permit or the Specific Plan Conformance Report, including the approved Exhibit "A," or as otherwise authorized by a plot plan or revised Exhibit "A" approved by the Director of Planning.
17. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
18. A maximum of 154 condominium units is permitted on the subject property.
19. The maximum building lot coverage shall be 4.6 acres.
20. The maximum area of the recreation building shall be 8,487 square feet, and a maximum of one manager's unit shall be allowed in the recreation building.
21. No building shall exceed two stories. The maximum height of the condominium buildings shall be 29 feet above finished grade, and the maximum height of the recreation building shall be 32 feet above finished grade.
22. The minimum average yard setback from any public right-of-way shall be 15 feet.
23. The minimum separation between buildings shall be 10 feet.
24. Open space excluding common driveways, parking, and sidewalks shall comprise at least 30 percent of the net lot area.
25. Roofing material for all residential structures shall be of fire-retardant material certified by the County of Los Angeles Fire Department.
26. There shall be at least one and one-half covered plus one-half uncovered parking spaces designated for each dwelling unit and one guest parking space for every four dwelling units.
27. Permanent exterior signs are prohibited except for project monumentation depicted in Figure 9 of the Specific Plan Conformance Report.
28. No sign shall be installed or constructed unless it has been approved in accordance with Specific Plan No. 1 (Canyon Park) and the Specific Plan Conformance Report.
29. All walls and fences shall be of a material and color that is compatible with the architectural design of the structures.

30. Walls or fences of corrugated iron, steel, aluminum, or security chain-link fencing shall be prohibited.
31. The sound wall required by the County of Los Angeles Department of Health Services shall be a maximum of 9 feet in height. All other walls and fences shall be a maximum of 6 feet in height or a maximum of 3 feet in height within required setbacks. All walls shall be constructed in compliance with the Specific Plan Conformance Report.
32. The permittee shall submit a copy of the project Conditions, Covenants, and Restrictions to the Director of Planning for review and approval prior to the recordation of the first final map for Vesting Tentative Tract Map No. 53795.
33. The permittee shall provide in the Conditions, Covenants, and Restrictions that all antennas shall be restricted to the attic or interior of residences, and satellite dish antennas shall be prohibited on roof or ground locations visible from surrounding roads or properties.
34. The permittee shall provide in the Conditions, Covenants, and Restrictions that all trash containers shall be screened from street view.
35. The permittee shall provide in the Conditions, Covenants, and Restrictions that all mechanical equipment shall be screened from view of streets either with a wall similar in design to the project architecture or a planting space adequate in size for proper screening.
36. The area of individual lots shall be approximately that shown on the Exhibit "A."
37. The development of the subject property shall conform to the conditions approved for Vesting Tentative Tract Map No. 53795.
38. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
39. Detonation of explosives or any other blasting device or material shall be prohibited unless required permits have been obtained.

40. All grading and construction on the subject property and appurtenant activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. No Saturday, Sunday, or holiday operations are permitted.
41. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director of Planning and the Director of Public Works.
42. The applicant or his successor shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
43. No construction equipment or vehicles shall be parked or stored on any existing public or private streets.
44. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this permit.
45. All construction and development within the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County of Los Angeles.
46. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business or activities on the premises, or that do not provide pertinent information about said premises.
47. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 72 hours of such occurrence. The only exception shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
48. The applicant shall utilize water-saving devices and technology in the construction of this project to the extent feasible and consistent with Los Angeles County Building and Plumbing codes.
49. The property shall be developed and maintained in compliance with requirements of the County of Los Angeles Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
50. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine facilities that may be necessary to protect the property from fire hazard. Water mains, fire hydrants, and fire flow shall be provided as may be required.

51. The permittee shall participate in an appropriate financing mechanism to provide funds for fire protection facilities required by new residential development in an amount proportionate to the demand created by this project.
52. Prior to the issuance of building permits, the permittee or his successor in interest shall pay a fee to the County of Los Angeles Public Library in the amount of \$640 per dwelling unit ($\$640 \times 154 \text{ dwelling units} = \$98,560$), or such other amount as may be required by Chapter 22.72 of the County Code at the time of payment, as this project's contribution to mitigating impacts on the library system in the Santa Clarita Valley Planning Area. The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.
53. Prior to the issuance of building permits, the permittee shall pay school mitigation fees in accordance with the provisions and requirements of Senate Bill 50.
54. Prior to the issuance of a grading or building permit, a site plan shall be submitted to and approved by the Director of Planning indicating that the proposed construction and associated grading complies with the conditions of this grant and the standards of the zone.
55. Lot No. 6 shall be landscaped and all graded slopes (cut and fill) shall be revegetated. Three copies of a landscape plan, which shall be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscape plan for Lot No. 6 shall be consistent with Figure 8 of the Specific Plan Conformance Report. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary.

In addition to the review and approval by the Director of Planning, the landscape plans will be reviewed by the staff biologist of the Department and by the County of Los Angeles Fire Department. Their review will include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements. The landscape plan shall be maintained in compliance with the approved plans. The landscape plan must show that at least 50 percent of the area covered by landscaping will be locally indigenous species, including not only trees, but shrubs and groundcover as well. However, if the permittee can prove to the satisfaction of staff that a 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then staff may determine that a lower percentage of such planting is required. In those areas where staff approves a reduction to less than 50 percent locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall

include trees, shrubs, and/or groundcover at a mixture and density determined by staff and the County of Los Angeles Fire Department. Fire retardant plants shall be given first consideration.

Permitted Plantings. Trees, shrubs, and/or groundcover indigenous to the local region shall be used for the required 50 percent landscaping. Fire retardant and locally indigenous plants that may also be used for the required 50 percent of such landscaping can be found on the attached list (marked Exhibit "B") compiled by the County of Los Angeles Fire Department. This list may be amended as approved by staff.

Timing of Planting. Prior to the issuance of building permits for any construction, the permittee shall submit a landscape and phasing plan for the landscaping associated with that construction to be approved by the Director of Planning. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs, and/or ground cover shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within 18 months following completion of the required planting. The permittee shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscape plan. In the event that some plants have not flourished, at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

56. Pursuant to Section 21.32.195 of the County Code, the permittee or its successor shall plant or cause to be planted one tree within the front yard of each lot. The location and the species of said tree may be incorporated into the landscape plan to be approved by the Director of Planning and the County Forester. A bond may be posted with the Department of Public Works for the required trees prior to the recordation of Final Tract Map No. 53795. This requirement may be waived or modified by the advisory agency where it is found to be impractical due to topographic conditions, is not in keeping with the neighborhood pattern, or otherwise will not benefit the area.
57. Traffic calming devices shall be prohibited unless specifically approved by the County of Los Angeles Fire Department.

58. The mitigation measures set forth in the Mitigation Monitoring Plan in the Addendum to the Final Supplemental Environmental Impact Report for the project are incorporated by this reference and made conditions of this Conditional Use Permit Case No. 02-029.
59. The permittee shall cooperate and provide any information reasonably requested by the Department to allow the Department to provide monthly reports to the Board of Supervisors regarding the permittee's compliance with these conditional use permit conditions.
60. The permittee is encouraged to provide updates to the community relating to aesthetic enhancements of the project and to meet with community representatives in order to receive their input.

April 22, 2003

Syn. No. 28
11/26/02

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**VESTING TENTATIVE TRACT MAP NUMBER 53795-(5)
FIFTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced subdivision which proposes six lots for the development of 154 condominium units in the Sand Canyon Zoned District. At the conclusion of the hearing, you indicated an intent to approve the subdivision and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By
RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN
County Counsel

RDW/
Enclosure

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
VESTING TENTATIVE TRACT MAP NUMBER 53795-(5)**

1. The Los Angeles County Regional Planning Commission conducted a public hearing on Vesting Tentative Tract Map No. 53795 on August 7, 2002. The case was heard concurrently with Specific Plan Amendment Case No. 02-029-(5) and Conditional Use Permit Case No. 02-029-(5).
2. The development proposal is a request to authorize the creation of six lots with 154 condominiums.
3. The subject property is a 9.9-acre site located east of the Antelope Valley Freeway, between Via Princessa and Lost Canyon Road in the Sand Canyon Zoned District. The site is zoned "Specific Plan."
4. The subject property is irregular in shape with level to gently sloping terrain. The property is currently undeveloped.
5. Access to the subject property is via Lost Canyon Road, located off of Via Princessa.
6. Surrounding land use designations are Neighborhood Commercial to the west, R-3 (25) U (apartment/condominium, maximum density of 25 units per acre) to the southwest, school/parks to the southeast, and R-3 (25) U to the east.
7. The area surrounding the subject property to the east and west is undeveloped. There are single-family residences to the southwest and an elementary school to the southeast.
8. The Board of Supervisors ("Board") concurrently considered and approved related Specific Plan Amendment Case No. 02-029-(5), changing the land use designation on the subject property Office Commercial to R-3-(25) U on 9.9 acres.
9. The Board concurrently considered and approved Conditional Use Permit Case No. 02-029-(5) to ensure compliance with applicable Specific Plan policies. The findings of the Board with respect to the conditional use permit are incorporated herein by this reference as if set forth in full.

10. The project design, as modified by the conditional use permit, complies with the standard requirements of the existing zoning and the proposed land use designation for the subject property.
11. The proposed project and the provisions for its design and improvements are consistent with the goals, policies, and development standards of Specific Plan No. 1 (Canyon Park).
12. The subject property lies within an urban expansion area and is in compliance with the County's Development Monitoring System in that:
 - a. The proposed development is consistent with the infrastructure portion (Urban Services Analysis) of the Development Monitoring System since there is adequate water service, and sewage discharge capacity will not exceed the Sanitation District's future planned capacity. Appropriate fees will be paid for capital library costs to ensure sufficient increased capacity to serve the project's demands. Cumulative impacts on schools were identified. The applicant has entered into an agreement with the Sulphur Springs School District and the Hart Union High School District, the districts serving the project site. The applicant will participate in the Consolidated Fire Protection District Developer Fee Program to ensure sufficient services to serve the project's demands. These services were evaluated as part of the environmental analysis and the resultant environmental document;
 - b. The proposed development is consistent with the access portion of the Development Monitoring System since there is adequate road service and commercial and employment facilities located in close proximity. The road service was evaluated as part of the environmental analysis and the resultant environmental document. The proximity to commercial and employment facilities was evaluated as part of the Specific Plan evaluation; and
 - c. The proposed development is consistent with the environmental portion of the Development Monitoring System since there is no significant geotechnical, flood hazard, fire, and/or natural resource impacts, and the project does not affect publicly held or privately dedicated open space, as shown in Specific Plan No. 1 (Canyon Park). These resources/hazards were evaluated as part of the environmental analysis and the resultant environmental document.

13. The estimated water demand for the project is approximately 29.5 acre feet per year. The Water Supply Assessment of the Supplemental Environmental Impact Report ("SEIR") for the project evaluated the Castaic Lake Water Agency's ("CLWA") total State Water Project entitlement of 95,200 acre feet per year ("af/yr") which amount included 41,000 af/yr that the CLWA had contracted to purchase from other water purveyors. However, the California Court of Appeals ordered de-certification of the 1999 environmental impact report prepared that had been prepared by the CLWA to address the environmental impacts of the transfer of the above-referenced 41,000 af/yr. The Water Supply Assessment of the Addendum to the Final SEIR ("FSEIR") for this project was revised to address that fact and determined that, even without the involved 41,000 af/yr, the CLWA will have sufficient water supply to serve the proposed project.
14. The California State Department of Health Services ("DHS") has established a drinking water action level of four parts per billion for Ammonium perchlorate. Two Santa Clarita wells have been retired, and the use of two more may be suspended as a result of exceedances of this action level. However, as stated in the Addendum to the FSEIR, this will not have a significant impact on water supply due to the active use and sufficient supply of water available from remaining production wells.
15. The project is but one of a number of development projects pending or approved in the Santa Clarita Valley. An analysis of the cumulative effects of all projects anticipated, and accounted for in the County's Development Monitoring System ("DMS"), shows sufficient water exists to serve these proposed projects. The DMS tracks all pending and approved development projects.
16. The proposed development, in summary:
 - a. Avoids the premature conversion of undeveloped land to urban use;
 - b. Promotes a distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;
 - c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas, and fire hazard areas;

- d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land;
 - e. Ensures that new development in urban expansion areas will occur in a manner consistent with stated plan policies and will pay for the marginal public costs that it generates;
 - f. Focuses intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
 - g. Provides for a higher density of housing to meet increasing demand in an area which will have relatively lesser environmental consequences.
17. The access to this project is adequate for the needs of future residents and for the deployment of fire fighting and other emergency service equipment in emergency situations.
18. A traffic study analyzing the potential impacts of this project was reviewed and approved by the Department of Public Works. Appropriate traffic mitigation measures are incorporated into the conditions of approval for this project.
19. This site is physically suitable for the type of development and the density being proposed, since the property has adequate building sites to be developed in accordance with the Grading Ordinance, has access to County-maintained streets, will be served by sanitary sewers, can be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs, and has all flood hazards and geologic hazards mitigated in accordance with the requirements of the Department of Public Works.
20. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of the case and on the tentative map provide adequate protection for rights-of-way and easements.
21. The design of the subdivision and the proposed improvements will not cause serious public health problems since sewage disposal, storm water drainage, fire protection, and geologic and soil factors are addressed in the recommended conditions of approval.

22. Design of the subdivision and the proposed improvements will not conflict with public easements or access through, or use of, property within the proposed subdivision, since the design and development as set forth in the conditions of approval and the tentative map provides adequate protection for any such easements.
23. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities therein, since the lots are of sufficient size so as to permit orientation of structures in an east-west alignment for southern exposure or to take advantage of shade or prevailing breezes.
24. The proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake, or reservoir.
25. The housing and employment needs of the region were considered and balanced against the public-service needs of local residents and available physical and environmental resources when the project was determined to be consistent with Specific Plan No. 1 (Canyon Park), as amended by related Specific Plan Amendment Case No. 02-029-(5) and Conditional Use Permit Case No. 02-029-(5).
26. This tract map has been submitted as a "vesting" tentative map and, as such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the Los Angeles County Code (Subdivision Ordinance).
27. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to division 7 (commencing with section 13000) of the California Water Code.
28. Approval of this land division is conditioned upon the subdivider's compliance with the attached conditions of approval as well as compliance with the conditions for related Conditional Use Permit No. 02-029-(5). The mitigation measures identified in the Addendum to the FSEIR have further been incorporated into the conditions of approval for the related conditional use permit. The Mitigation Monitoring Plan prepared in connection with the Addendum to the FSEIR identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

29. The Addendum to the FSEIR has been prepared for this project in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines and complies therewith. The report contains a conceptual description of the project, documents the project's potential impacts, and identifies mitigation measures which will be implemented as a part of the project. The Board has independently reviewed the information contained therein, and such information reflects the independent judgment of the Board as to the potential environmental impacts of the project.
30. The Addendum to the FSEIR concludes that, with implementation of the proposed mitigation measures, all potential environmental impacts will be less than significant.
31. The mitigation measures of the Addendum to the FSEIR are incorporated into the conditions of approval for this vesting tentative tract map and related Conditional Use Permit Case No. 02-029-(5). The Mitigation Monitoring Plan contained in the Addendum to the FSEIR identifies in detail the manner in which the measure adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

THEREFORE, THE BOARD OF SUPERVISORS:

3. Indicates that it has previously approved the Addendum to the FSEIR prepared for the project and certified that it has reviewed and considered the information contained in the document and determined that the potential environmental impacts of the proposed project will have a less-than-significant impact on the environment;
4. Indicates that it previously approved and adopted the Mitigation Monitoring Program for the proposed project, incorporated in the Addendum to the FSEIR, and, pursuant to section 21081.6 of the Public Resources Code, found that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation; and
3. Approves Vesting Tentative Tract Map No. 53795, subject to the attached conditions.

1. CONDITIONS FOR APPROVAL

VESTING TENTATIVE TRACT MAP NUMBER 53795-(5)

1. Conform to the applicable requirements of Titles 21 and 22 of the Los Angeles County Code (Subdivision and Zoning ordinances), and related Conditional Use Permit Case No. 02-029-(5).
2. Except as otherwise specified in these conditions or by related Conditional Use Permit Case No. 02-029-(5), conform to the lot area requirements of the R-3 (25) U designation.
3. Show Via Princessa and Lost Canyon Road as dedicated streets on the final map.
4. Permission is granted to use the alternate cross section to the satisfaction of the Department of Public Works.
5. Permission is granted to adjust lot lines to the satisfaction of the Department of Regional Planning ("Department").
6. Construct or bond with the Department of Public Works for driveway paving in widths as shown on Exhibit "A" to the satisfaction of the Department and the Fire Department.
7. Label all common driveways "Private Driveway-Fire Lane" on the final map.
8. Post the driveways "No Parking-Fire Lane" and provide for continued enforcement in the Covenants, Conditions, and Restrictions. Submit a copy of the Covenants, Conditions, and Restrictions to the Department for review prior to final map approval.
9. Provide for the maintenance of the private driveways, both on-site and off-site, through a homeowners' association or road maintenance agreement. Submit a copy of the Covenants, Conditions, and Restrictions or maintenance agreement to the Department for review prior to final map approval.
10. Provide reciprocal easements over the multiple access strips for the benefit of the lots served. Submit a letter agreeing to record the easements in documents when the lots are sold.

11. Submit a letter to the Department agreeing to provide an adequate lighting system along all walkways to be constructed within the common areas to the satisfaction of the Department.
12. Provide in the Covenants, Conditions, and Restrictions a method for the continual maintenance of the common areas, including the driveways and the lighting systems along all walkways, to the satisfaction of the Department. Submit a copy of the Covenants, Conditions, and Restrictions to the Department for review prior to final map approval.
13. The lots on this tract map are approved as condominium projects for a total of 154 residential units whereby the owners of the units of air space will hold an undivided interest in the common areas which will, in turn, provide the necessary access and utility easements for the units. Place a note or notes on the final map to this effect to the satisfaction of the Department and the Department of Public Works.
14. Dedicate to the County of Los Angeles on the final map the right to prohibit construction on Lot No. 6.
15. Provide slope planting and an irrigation system in accordance with the Grading Ordinance. Include conditions in the tract covenants that would require continued maintenance of the plantings for lots having planted slopes. Submit a copy of the Covenants, Conditions, and Restrictions to the Department for review prior to final map approval.
16. Pursuant to Section 21.32.195, the subdivider or his successor shall plant or cause to be planted one tree within the front yard of each residential lot. The location and the species of said tree may be incorporated into the landscape plan to be approved by the Director of Planning and the Los Angeles County Forester and Fire Warden. This requirement may be waived or modified by the advisory agency where it is found to be impractical due to topographic conditions, is not in keeping with the neighborhood pattern, or otherwise will not benefit the area.
17. In order to defray the cost of wildlife protection and management, the applicant may be responsible for the payment of certain appropriate fees established by the California Department of Fish and Game and the Los Angeles County Clerk. No land use project subject to this requirement is final, vested, or operative until the fee is paid.

18. Prior to the issuance of building permits, the subdivider or its successor in interest shall pay a fee to the County of Los Angeles Public Library in the amount of \$640 per dwelling unit ($\$640 \times 154 \text{ dwelling units} = \$98,560$), or such other amount as may be required by Chapter 22.72 at the time of payment, as this project's contribution to mitigating impacts on the library system in the Santa Clarita Valley Planning Area. The subdivider may contact the County Librarian at (562) 940-8430 regarding payment of fees.
19. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this tract map approval, or related discretionary project approvals, whether legislative or quasi-judicial, which action is brought within the applicable time period of Government Code section 66499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action, or proceeding, and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
20. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to the subdivider or the subdivider's counsel. The subdivider shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If, during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds to bring the balance up to the amount of initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of litigation; and
 - b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the subdivider in accordance with Los Angeles County Code Section 2.170.010.

21. Prior to approval of the final map for Vesting Tentative Tract Map No. 53795, Lot No. 760 of Vesting Tentative Tract Map No. 52833 must be recorded.
22. The mitigation measures set forth in the Mitigation Monitoring Plan in the Addendum to the Final Supplemental Environmental Impact Report for the project are incorporated by this reference and made conditions of this Vesting Tentative Tract Map No. 53795.

Except as modified hereinabove, this approval is subject to all those conditions set forth in the attached reports.